

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SANDRA WILLIAMS,

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Plaintiff,

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V.

STARBUCKS CORPORATION
D/B/A STARBUCKS,

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Defendant.

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NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Starbucks Corporation d/b/a Starbucks Coffee Company, (*incorrectly identified as Starbucks Corporation d/b/a Starbucks*) (“Starbucks” or “Defendant”) hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, removing the above-captioned case to the United States District Court for the Southern District of Texas, Houston Division. The grounds for removal are as follows:

I. Introduction

1. Plaintiff Sandra Williams (“Plaintiff” or “Williams”), at the time this action was commenced, was, and still is, a resident and a citizen of Texas.

2. Starbucks, at the time this action was commenced, was, and still is, a resident and a citizen of Washington.

3. Plaintiff claims that on or about November 13, 2020, she was at a Starbucks store, located at 13250 Northwest Freeway, Houston, Texas 77040, when the lid on Plaintiff's hot

water was not secured and she burned herself. Plaintiff's Original Petition, p. 3. Plaintiff contends that she suffered severe injuries as a result of same. *Id.*

4. On or about June 21, 2022, Plaintiff commenced a lawsuit in the 333rd Judicial District Court of Harris County, Texas, Cause No. 2022-37135, styled *Sandra Williams v. Starbucks Corporation d/b/a Starbucks* at p. 1.

5. Plaintiff avers, inter alia, that Starbucks was negligent to exercise the degree of care to secure the lid of coffee cup. *Id.* at p. 3. Consequently, Plaintiff seeks to recover damages for negligence. *Id.*

II. Grounds for Removal

A. Complete Diversity of Citizenship Exists Between the Parties and the Amount in Controversy Exceeds \$75,000.00.

6. Plaintiff is a citizen and a resident of Texas. Starbucks is a citizen and a resident of Washington. Thus, the parties are completely diverse. *See* 28 U.S.C. § 1332(a).

7. Plaintiff's petition states "Plaintiff seeks monetary relief in excess of \$250,000." *See* Plaintiff's Original Petition at para. 1.

B. Venue is Proper in This Division and in This District.

8. Plaintiff filed this action in Harris County, Texas. The Houston Division of the Southern District of Texas encompasses Harris County, Texas. Thus, this district and division embrace the place where the state court action is pending. *See* 28 U.S.C. § 1441(a).

III. Procedural Requirements for Removal

9. The rules prescribe that a Notice of Removal be filed thirty days of the date on which Defendant received the summons and complaint. *See* 28 U.S.C. § 1446(b). Thus, this Notice of Removal is timely.

10. Copies of all processes, pleadings, and orders have been filed separately with this Court. *See* 28 U.S.C. § 1446(a).

11. Pursuant to Local Rule 81 of the Southern District of Texas, the following documents are attached to this Notice of Removal: copy of all processes, attached hereto as Exhibit "A"; all pleadings and orders signed by the Judge attached hereto as Exhibit "B"; an Index of Matters Being Filed, attached hereto as Exhibit "C"; and a list of all Counsel of Record, including addresses, telephone numbers and parties represented is attached hereto as Exhibit "D".

12. A copy of this Notice of Removal will be filed with the Harris County District Clerk's office promptly and will be served on Plaintiff promptly. *See* 28 U.S.C. § 1446(d); *see also Nixon v. Wheatley*, 368 F. Supp. 2d 635, 640 (E.D. Tex. 2005) (Crone, J).

13. The filing fee has been paid to the Clerk.

IV. Prayer

14. WHEREFORE, PREMISES CONSIDERED, Defendant Target prays that the above-styled action now pending in the 333rd Judicial District Court of Harris County, Texas be removed there from to this Honorable Court.

15. This Notice of Removal is filed subject to and without waiver of any defenses or objections to Plaintiff's Original Petition as allowed by the Federal Rules of Civil Procedure or by any applicable law.

Respectfully submitted,

GERMER, PLLC

By: /s/ Troy A. Williams
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**ATTORNEYS FOR DEFENDANT,
STARBUCKS CORPORATION D/B/A
STARBUCKS COFFEE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been duly sent via CM/ECF on August 5, 2022 to all counsel of record, as follows:

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/s/ Troy A. Williams
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